

Application Number: 10/718,649

2001P80072WOUS
Christian Weis**REMARKS/ARGUMENTS*****Claim Status***

After entry of this Amendment, Claims 8, 9 and 15 – 22 are pending. By this Amendment, Claim 21 is amended. No new matter has been added.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 21 – 24 under 35 U.S.C. § 102(b) as being anticipated by Baier (U.S. Patent No. 3,406,583). Hence, the Examiner asserts that Baier discloses each and every limitation recited in Claims 21-24. Applicant respectfully traverses.

Applicant thanks the Examiner for annotating Baier's Fig. 3 in the Office Action. It appears the Examiner views the outer circumference of the lobes 26 of the drive means 28 as a side of a hub, and the inner circumferential sections of the gear 20 as a side of a ring gear. Accordingly, the Examiner asserts that the intermediate element 22 is sandwiched between sides of the gear ring and hub.

Claim 21 is amended, as set forth in the above listing of claims, to further distinguish the claimed device over Baier. Briefly, amended Claim 21 defines that the gear wheel has a central axis upon which the gear ring, hub and elastic intermediate element are arranged, that the gear ring, hub and elastic intermediate element each have a lateral side that is substantially perpendicular to the central axis, and that the gear ring and hub are joined together by the elastic intermediate element and via a material to material bond so that the intermediate element is sandwiched between a lateral side of the gear ring and a lateral side of the hub.

Baier fails to disclose or suggest an intermediate element sandwiched between a lateral side of the gear ring and a lateral side of the hub

Applicant respectfully submits that Baier fails to disclose or suggest a locking device, in which, for example, an intermediate element is sandwiched between a lateral side of the gear ring and a lateral side of the hub. Baier discloses in Figs. 2 and 3 that the web arrangement 22 is arranged between the outer circumference of the lobes 26 of the drive means 28 and the inner circumferential sections of the gear 20. As shown in the sectional side view of Fig. 2, the gear ring 20 borders in radial

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direction to the web arrangement 22. Accordingly, Baier's web arrangement 22 is not sandwiched between a lateral side of the gear ring and a lateral side of the hub.

Baier fails to disclose or suggest that gear ring and hub are joined together via a material to material bond

The Examiner asserts that Baier discloses joining gear wheel and hub via a material to material bond, adding between parentheses "frictional adhesion." Applicant notes that the Examiner does not identify where Baier discloses such "frictional adhesion". For the sake of this discussion, Applicant assumes the Examiner refers to the lobes 26 of the drive means 28 being press fitted into the portion 24. (Col. 1, lines 63 – 65.) Applicant respectfully submits that press fitting is not a material to material bond, as defined in the present application.

In this regard, the present specification explains, as follows:

The gear ring of the gear wheel and the hub of the gear wheel are advantageously joined to one another with a material-to-material bond by the elastic intermediate element. In this configuration, the elastic intermediate element is part of the gear wheel. As a result, the drive device has a particularly small overall size. Furthermore, it is possible to dispense with additional fastening means, as the gear ring and the hub of the gear wheel are joined by the elastic intermediate element, for example by means of the two-component technique. All hard/soft combinations which can be joined to one another with a material-to-material bond are suitable for this purpose. (Emphasis added.) (Page 3, lines 15 – 26.)

Plastics can be joined to one another with a material-to-material bond in a particularly easy manner, for example chemically, as a result of which the expenditure on manufacture of the drive device is particularly small. (Emphasis added.) (Page 3, lines 31 – 35.)

Hence, a material to material bond, as described in the specification, involves more than a frictional adhesion in that it involves the two-component technique and chemically joining plastics. A material to material bond, or adhesive bond, provides for connections that are held together through molecular forces. Baier's press fitting is not a material to material bond.

Accordingly, Applicant respectfully submits that Baier does not disclose or suggest joining gear wheel and hub via a material to material bond.

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In view of the foregoing, Applicant submits that Baier at least fails to disclose or suggest an intermediate element sandwiched between a lateral side of the gear ring and a lateral side of the hub, and joining a gear wheel and a hub via a material to material bond. Therefore, Baier does not disclose each and every limitation of amended Claim 21, and, as such, does not anticipate amended Claim 21. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b), and to pass Claim 21, as amended, to allowance.

Claim 22 depends from Claim 21. For this reason, and because of the additional inventive features recited in Claim 22, Applicant submits that Baier does not anticipate Claim 22. Applicant respectfully requests the Examiner to pass Claim 22 to allowance.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 8, 9, 15, 16 and 21 – 22 under 35 U.S.C. § 103(a) as being unpatentable over Franz (U.S. Patent No. 6,445,081) in view of Baier. More particularly, the Examiner asserts that Franz discloses an actuating device having, e.g., a motor 1, a worm gear 3 and a control disc, but fails to disclose a wheel having a gear ring, a hub and an elastic intermediate member between the actuating device and the control disc. The Examiner cites Baier as disclosing the features missing in Franz. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the apparatus of Franz in view of the teachings of "Becker" (Applicant assumes for this discussion that the reference to Becker is in error and that the Examiner meant to refer to Baier. If Applicant is incorrect, Applicant requests clarification) to prevent, e.g., motor damage. Applicant respectfully traverses.

The above discussion of Baier is repeated herewith. As Baier at least fails to disclose or suggest a locking device in which an intermediate element is sandwiched between a lateral side of the gear ring and a lateral side of the hub, and a gear wheel and a hub are joined via a material to material bond, even a combination of Franz and Baier does not provide a locking device as defined in Claim 21 as amended.

Accordingly, Applicant submits that Franz and Baier do not render amended Claim 21 obvious. Applicant respectfully requests the Examiner to reconsider and

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withdraw the rejections under 35 U.S.C. § 103(a), and to pass Claim 21, as amended, to allowance.

Claims 8, 9, 15, 16 and 22 depend from Claim 21. The above discussion regarding Claim 21 is repeated here. For this reason, and because of the additional inventive features recited in Claims 8, 9, 15, 16 and 22, Franz and Baier do not render Claims 8, 9, 15, 16 and 22 obvious. Applicant respectfully requests the Examiner to pass Claims 8, 9, 15, 16 and 22 to allowance.

Further, the Examiner rejects Claims 17 – 19 under 35 U.S.C. § 103(a) as being unpatentable over Franz in view of Baier and further in view of Koerwer (U.S. Patent No. 6,445,081). The Examiner cites Koerwer as teaching an arm spring biased to a control disk. Koerwer, however, is silent as to the particular arrangement of gear ring, hub and intermediate element, as recited in amended Claim 21. Hence, Koerwer does not provide the missing teachings in Franz or Baier to render obvious Claims 17 – 19. Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a), and to pass Claim 20 to allowance.

In rejecting Claim 20 under 35 U.S.C. § 103(a), the Examiner asserts that Claim 20 is unpatentable over Franz in view of Baier and further in view of Ginsberg (U.S. Patent No. 3,446,085). The Examiner cites Ginsberg as disclosing an apparatus having a control disc and two stop members. Ginsberg, however, is silent as to the particular arrangement of gear ring, hub and intermediate element, as recited in amended Claim 21. Hence, Ginsberg does not provide the missing teachings in Franz or Baier to render obvious Claim 20. Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a), and to pass Claim 20 to allowance.

CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

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For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P80072WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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